



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 8

Woodcock Washburn LLP  
46th Floor  
One Liberty Place  
Philadelphia, PA 19103

**COPY MAILED**

**SEP 23 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Goldthwaite, et al. :  
Application No. 10/075,519 : DECISION GRANTING  
Filed: February 13, 2002 : PETITION  
Atty Docket No. MSFT-0738/183225.1 :

This is a decision on the "Petition to Accord Correspondence Filing Date Shown on Express Mail Label 'Date-In' (37 C.F.R. 1.10(c))," filed July 2, 2002, requesting that the above-identified nonprovisional application be accorded a filing date of February 13, 2002, rather than the presently accorded filing date of February 15, 2002.

Applicants maintain that the above-identified application was deposited in the Express Mail Post Office to Addressee service of the USPS, pursuant to § 1.10 on February 13, 2002, and thus, is entitled to a filing date of February 15, 2002. In support thereof, applicants submit:

- a statement by patent attorney Michael J. Swope as to when the discrepancy in filing date was discovered and to show that the petition was filed promptly thereafter;
- a true copy of the "Express Mail Post Office to Addressee" mailing label No. EL695382520US; and
- a true copy of the Patent Application Transmittal Letter, bearing "Express Mail" mailing label number EL695382520US thereon.

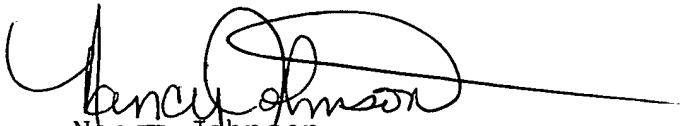
Having reviewed the evidence, it is concluded that petitioner has shown a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by other official USPS notation. The petition was filed promptly within the meaning of § 1.10(c)(1). The transmittal submitted is a true copy of the transmittal present in the application file, and both bear the "Express Mail" mailing label number. Thus, petitioner has shown that this number was placed on the correspondence prior to the original mailing date. The "date-in" on the "Express Mail" mailing label submitted appears to be February 13, 2002, but is not entirely legible. Nonetheless, the label also bears an official USPS date stamp of February 13, 2002. Moreover, the USPTO's USPS Express Mail Information Database record shows that the mailing under "Express Mail" mailing label No. EL695382520US was accepted by the USPS at 4:32 pm on February 13, 2002 (copy enclosed).

In view thereof, the petition is **GRANTED**.

No petition fee is necessary. The petition fee has been refunded to Deposit Account No. 23-3050, as authorized.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to February 13, 2002, and issuance of a corrected filing receipt.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.



Nancy Johnson  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: USPTO's USPS Express Mail Information Database record

#7

## USPTO's USPS Express Mail Information Database

Express Mail Number: **EL695382520US**Origin ZIP: **98154**Weight: **02 lbs. 00 ozs.**Postage Paid: **\$016.25**

Date and Time\* Package was accepted by USPS:

**02/13/2002****04:32 pm**

Attempted Delivery Date and Time:

//

Actual Delivery Date and Time:

**02/15/2002****11:41 am**

\*Also referred to as "Date In"

[Print Record](#)[Preview Report](#)[Print Report](#)[Back](#)

Saturday, September 21, 2002 05:15 PM